

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-30072-MAP

JOSEPH ROSEMOND,)
PLAINTIFF)
)
v.)
)
STOP AND SHOP SUPERMARKET)
COMPANY,)
DEFENDANT)
)

PLAINTIFF'S MOTION TO FILE A REPLY TO DEFENDANT'S
OPPOSITION TO PLAINTIFF'S MOTION TO AMEND AND
MEMORANDUM OF LAW IN SUPPORT THEREOF

BACKGROUND

On May 25, 2006, the Plaintiff, Joseph Rosemond ("Rosemond") filed a Motion to Amend his complaint alleging discrimination and harassment based on race against Stop and Shop Supermarket Company ("Stop and Shop") to add allegations of retaliation.

The basis for the Motion to Amend was that after twelve (12) years of employment with Stop and Shop with no progressive discipline, Rosemond received a final warning from Stop and Shop in May, 2006. Stop and Shop has opposed the Motion to Amend because, according to Stop and Shop, Rosemond is unable to establish a prima facie case of retaliation.

Stop and Shop filed its opposition to Rosemond's Motion to Amend on June 16, 2006. Prior to the filing of Stop and Shop's opposition to Rosemond's Motion to Amend, counsel for Rosemond had repeatedly requested any and all documents concerning the

investigation into Rosemond's conduct. Counsel specifically requested that any and all such documents be produced prior to the filing of any opposition to Rosemond's Motion to Amend in order to have the opportunity to review any such documents prior to receiving Stop and Shop's opposition. Copies of correspondence to counsel for Stop and Shop requesting such documents and the response of counsel for Stop and Shop to the undersigned counsel are attached hereto as Exhibit "A", "B", and "C" respectively.

Despite these requests the first document received by the undersigned counsel from Stop and Shop regarding any investigation into Rosemond's conduct was a copy of the final warning attached to Stop and Shop's opposition as an exhibit. On June 19, 2006, the undersigned counsel received the remainder of the requested documents.

Rosemond is seeking to file a reply in order to clarify the factual disputes and legal issues, in light of Rosemond's twelve year career with no progressive discipline, the charges investigated by Stop and Shop, and the decision to issue a final warning.

WHEREFORE, the Plaintiff, Joseph Rosemond, respectfully requests this Honorable Court to allow Rosemond to file a reply to the Defendant's Memorandum in Opposition To Plaintiff's Motion to Amend by July 3, 2006.

Respectfully Submitted,
The Plaintiff, Joseph Rosemond
by His Attorney

/s/ Tani E. Sapirstein
Tani E. Sapirstein
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SAPIRSTEIN & SAPIRSTEIN, P.C.
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Springfield, MA 01103
(413) 827-7500

Date: June 22, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above document was served upon the following via first class mail, postage prepaid to:

Lisa J. Damon, Esq.
Brigitte Duffy, Esq.
Seyfarth Shaw LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028

Date: June 22, 2006

/s/ Tani E. Sapirstein
Tani E. Sapirstein

RULE 7.1 CERTIFICATION

I, Tani E. Sapirstein, hereby certify that I have conferred with Brigitte Duffy in a good faith attempt to resolve or narrow the issue which is the subject of this Motion on June 21, 2006.

/s/ Tani E. Sapirstein
Tani E. Sapirstein, Esq.

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